

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

[UNDER SEAL,])	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 04-316E
)	
)	
[UNDER SEAL],)	<u>FILED UNDER SEAL</u>
Defendant.)	

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U.S. DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA ex rel.,)	
and)	
William L. Fry)	
1113 Gerloch Drive)	
Erie, PA 16505)	
)	Civil Action No. 04-316E
Plaintiffs,)	
)	
v.)	
)	FILED UNDER SEAL
FIRST INVESTMENT COMPANY)	PURSUANT TO
OF COLUMBUS, OHIO,)	31 U.S.C. Sec. 3730(b)(2)
an Ohio Corporation,)	
and)	
EVERHOME MORTGAGE COMPANY,)	
formerly ALLIANCE MORTGAGE COMPANY,)	
OF JACKSONVILLE, FLORIDA,)	
a Florida Corporation,)	
and)	
UNKNOWN MORTGAGE COMPANY A)	
and)	
UNKNOWN MORTGAGE COMPANY B)	
and)	
UNKNOWN MORTGAGE COMPANY C)	
)	
Defendants.)	

**THE UNITED STATES' NOTICE OF ELECTION TO
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action. Although the United States declines to enter its appearance, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons

for consenting." Id. Therefore, the United States requests that, should either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

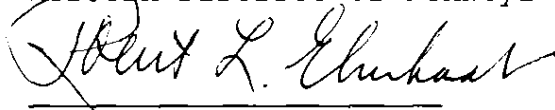
Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon it. The United States reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a later date.

Finally, the United States requests that only the complaint, this notice, and the Court's Order be unsealed and served upon the defendants. All other contents of the Court's file in this matter (including, but not limited to, any applications filed by the United States for an extension of the sixty-day investigative period or for any other reason, oppositions filed by the United States in response to the relators' motions, reply briefs, memoranda, and supporting documents) should remain under seal and not be made public or served upon the defendants.

A proposed order accompanies this notice.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney
Western District of Pennsylvania

A handwritten signature in black ink, appearing to read "Robert L. Eberhardt", written over a horizontal line.

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